



SUPREME COURT OF ARIZONA

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|------------------------------|---|--------------------------------|
| IN THE MATTER OF A MEMBER |) | Supreme Court |
| OF THE STATE BAR OF ARIZONA, |) | No. SB-02-0154-D |
| |) | |
| PHILLIP D. HINEMAN, JR., |) | Disciplinary Commission |
| Attorney No. 011887 |) | Nos. 99-1374, 00-1054, 01-0033 |
| |) | 01-0555 |
| |) | |
| RESPONDENT. |) | JUDGMENT AND ORDER |
| _____ |) | |

This matter having come on for hearing before the Disciplinary Commission of the Supreme Court of Arizona, it having duly rendered its decision and no discretionary review occurring,

IT IS ORDERED, ADJUDGED AND DECREED that **PHILLIP D. HINEMAN, JR.**, a member of the State Bar of Arizona, is hereby censured for conduct in violation of his duties and obligations as a lawyer, as disclosed in the commission report attached hereto as Exhibit A.

IT IS FURTHER ORDERED that **PHILLIP D. HINEMAN, JR.**, shall be placed on probation under the following terms and conditions:

Terms of Probation

1. Respondent shall be censured and placed on one (1) year probation, effective the date of this Order, subject to renewal as provided in Supreme Court Rule 52(a)6;
2. Within thirty (30) days of this Order, the Respondent shall contact the Director of the Law Office Management Assistance Program (LOMAP) and obtain a qualified practice monitor approved by the LOMAP Director;
3. During the probation period, Respondent shall meet with the practice monitor monthly and the practice monitor shall file quarterly status reports;

4. In the event that the State Bar of Arizona receives information that the Respondent has failed to comply with any of the foregoing conditions, bar counsel shall file with the Hearing Officer a Notice of Non-Compliance, pursuant to Rule 51(j), Ariz. R. S. Ct. The Hearing Officer shall conduct a hearing at the earliest practicable date, but in no event later than thirty days after receipt of said notice, to determine whether a condition of probation has been breached and, if so, to recommend an appropriate sanction therefore.
5. In the event there is an allegation that any of these terms have been breached, the burden of proof shall be on the State Bar of Arizona to prove non-compliance by a preponderance of the evidence.

IT IS FURTHER ORDERED that pursuant to Rule 52(a)8, the State Bar of Arizona is granted judgment against **PHILLIP D. HINEMAN, JR.**, for costs and expenses of these proceedings in the amount of \$4,598.83, together with interest at the legal rate from the date of this judgment.

DATED this 8th day of January, 2003.



NOËL K. DESSAINT, Clerk of the Court

TO:

Phillip D. Hineman, Jr., Respondent (Certified Mail, Return Receipt)
Mark I. Harrison, Counsel for Respondent
Karen Clark, Senior Bar Counsel
Frederick C. Berry, Jr., Hearing Officer 9S
Bob Van Wyck, Chief Bar Counsel, State Bar of Arizona (Cert. Copy)
Douglas M. Brooks, Clerk, Disciplinary Commission (Cert. Copy)
Betty Flores, Director, Membership Records, State Bar of Arizona (Cert. Copy)
Marnie Leinberger, MCLE/BLS Administrator, State Bar of Arizona
Cynthia Zwick, Executive Director, State Bar of Arizona
Lawyer Regulation Records Manager, State Bar of Arizona (Cert. Copy)
William Suter, Clerk, United States Supreme Court (Cert. Copy)
Cathy Catterson, Clerk, United States Court of Appeals, Ninth Circuit (Cert. Copy)
Richard Weare, Clerk, United States District Court, District of Arizona (Cert. Copy)
West Publishing Company (Ardis Lanz)
Lexis/Nexis

/kdl

The foregoing instrument is a full, true and correct copy of the original on file in this office.

ATTEST

Noël K. Dessaint, Clerk of the Supreme Court
State of Arizona

By  Deputy